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APPLICATION NO.	FIL	ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,147	12	2/01/2003	William L. Howat	CRD-5053 1765	
27777	7590	02/03/2006		EXAMINER	
PHILIP S			CHATTOPADHYAY, URMI		
	JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003				PAPER NUMBER

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.	Applicant(s)			
	Office Action Comments	10/725,147	HOWAT ET AL.			
Office Action Summary		Examiner	Art Unit			
		Urmi Chattopadhyay	3738			
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	correspondence address			
WHIC - Exte after - If NC - Failt Any	IORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DAY INSTRUMENT OF THE MAILING DAY INSTRUMENT OF THE MAILING DAY IN SIX (6) MONTHS from the mailing date of this communication. O period for reply is specified above, the maximum statutory period we use to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing led patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tir will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status						
1)⊠	Responsive to communication(s) filed on 13 Ja					
′=	This action is FINAL . 2b)⊠ This action is non-final.					
3)∟	Since this application is in condition for allowance except for formal matters, prosecution as to the ments is					
	closed in accordance with the practice under E	:x paπe Quayle, 1935 C.D. 11, 49	53 O.G. 213.			
Disposit	ion of Claims					
5)□ 6)⊠ 7)□	Claim(s) 1-17 is/are pending in the application. 4a) Of the above claim(s) 13-16 is/are withdraw Claim(s) is/are allowed. Claim(s) 1-12 and 17 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/o	vn from consideration.				
Applicat	ion Papers					
9)⊠ 10)⊠	The specification is objected to by the Examine The drawing(s) filed on <u>01 December 2003</u> is/a Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex	re: a)⊠ accepted or b)⊡ objec drawing(s) be held in abeyance. Se ion is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).			
Priority	under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
2) Notice	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail D	ate			
	mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) er No(s)/Mail Date	5) Notice of Informal F 6) Other:	Patent Application (PTO-152)			

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DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species 1, Figures 2 and 3 (Z-pleat pattern), claims 1-12 and 17 in the reply filed on January 13, 2006 is acknowledged.

2. Claims 1-17 are currently pending. Claims 13-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Claims 1-12 and 17 are being considered for further examination on the merits.

Specification

- 3. The disclosure is objected to because of the following informality: the comma at the end of the sentence of [0004] should be changed to a period. Appropriate correction is required.
- 4. The disclosure is objected to. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

On line 1, "invention" is legal phraseology that needs to be removed.

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Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 6. Claims 1-12 and 17 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Casey, II et al. (USPAP 2004/0019375 A1).

Casey, II et al. disclose a prosthesis for maintaining lumen patency with all the elements of claims 1, 12 and 17. See Figures 1 and 6 for a prosthesis (10) comprising a substantially cylindrical hollow body (11) having a distal end (14) and a proximal end (15). See [0005], [0025], [0026] and [0028] for the body (11) being formed from a self-supporting, non-metallic graft material and at least a portion of the graft material including a plurality of pleats (17) disposed in a Z pattern. The pattern provides radial support to the body (11) while maintaining flexibility.

Claims 2-5, see Figures 1 and 6, lines 3-5 of [0028] and [0034] for distal and proximal anchors (61) in the form of metal support structures being connected to the distal (14) and proximal (15) ends, respectively.

Claims 6-8, see lines 4-6 of [0025] for the graft material being woven, non-woven or knitted.

Claims 9-11, see lines 18-20 of [0025] for the graft material including polyester, polypropylene or polyethylene.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urmi Chattopadhyay whose telephone number is (571) 272-4748. The examiner can normally be reached Monday through Thursday and every other Friday from 9:00am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached at (571) 272-4754. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Urmi Chattopadhyay

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